

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC	§	
	§	
<i>Plaintiff,</i>	§	
vs.	§	
YAHOO! INC.; HEWLETT-PACKARD	§	Case No. _____
DEVELOPMENT COMPANY, L.P.;	§	
HEWLETT-PACKARD COMPANY; THE	§	
AMERICAN AUTOMOBILE	§	JURY TRIAL DEMANDED
ASSOCIATION, INC.; RAND McNALLY &	§	
COMPANY; and MAPQUEST, INC.,	§	
<i>Defendants.</i>	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants Yahoo! Inc. (“Yahoo!”), Hewlett-Packard Development Company, L.P. (“HPDC”), Hewlett-Packard Company (“HP”), The American Automobile Association, Inc. (“AAA”), Rand McNally & Company (“Rand McNally”), and MapQuest, Inc. (“MapQuest”), and alleges:

THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
2. On information and belief, Yahoo! is a corporation organized and existing under the laws of Delaware, has a principal place of business at 701 First Avenue, Sunnyvale, California 94089-1019, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

3. On information and belief, HPDC is a limited partnership organized and existing under the laws of Texas, has a principal place of business at 11445 Compaq Center West Drive, Houston, Texas 77070-1433, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

4. On information and belief, HP is a corporation organized and existing under the laws of Delaware, has a principal place of business at 3000 Hanover Street, Palo Alto, California 94304-1112, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

5. On information and belief, AAA is a corporation organized and existing under the laws of Connecticut, has a principal place of business at 1000 AAA Drive, Lake Mary, Florida 32746-5060, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

6. On information and belief, Rand McNally is a corporation organized and existing under the laws of Delaware, has a principal place of business at 8255 Central Park Avenue, Skokie, Illinois 60076-2908, has designated its registered agent for purposes of service of process in Texas as CT Corporation System, 350 N. Saint Paul Street, Dallas, Texas 75201-4240, and is doing business in this judicial district.

7. On information and belief, MapQuest is a corporation organized and existing under the laws of Delaware, has a principal place of business at 22000 AOL Way, Sterling, Virginia 20166-9302, has designated its registered agent for purposes of service of process in Texas as Corporation

Service Company d/b/a C+, 701 Brazos Street, Suite 1050, Austin, Texas 78701-3232, and is doing business in this judicial district.

JURISDICTION AND VENUE

8. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

9. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

10. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas.

11. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

12. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

13. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

INFRINGEMENT OF THE '606 PATENT

14. Traffic realleges and incorporates by reference the allegations in paragraphs 1-13.

15. On August 31, 2004, U.S. Patent No. 6,785,606 ("the '606 patent"), entitled "System For Providing Traffic Information," a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the '606

patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

16. Yahoo!, HPDC, HP, AAA, Rand McNally, and MapQuest, alone and in conjunction with others, have in the past and continue to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the ‘606 patent, and are liable for infringement of the ‘606 patent pursuant to 35 U.S.C. § 271.

17. One or more of these defendants have committed acts of patent infringement in this district by offering to sell and selling products and services in this district which in use and in combination with other devices infringe one or more claims of the ‘606 patent.

18. Traffic previously notified Defendants Yahoo! and Rand McNally of the ‘606 patent. Despite such notification, Defendants Yahoo! and Rand McNally have continued their infringement of the ‘606 patent. On information and belief, Defendants Yahoo!’s and Rand McNally’s infringement of the ‘606 patent have therefore been with notice and knowledge of the patent and have been willful and deliberate.

19. Each defendant’s acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant’s wrongful acts in an amount subject to proof at trial.

20. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** Yahoo!, HPDC, HP, AAA, Rand McNally, and MapQuest have each infringed the ‘606 patent;
- B.** Defendants Yahoo!’s and Rand McNally’s infringement, contributory infringement, and/or induced infringement of the ‘606 patent have been willful and deliberate;
- C.** Each defendant account for and pay to Traffic all damages caused by its individual and/or joint infringement of the ‘606 patent as complained of herein in accordance with 35 U.S.C. § 284;
- D.** The Court increase the amount of damages with respect to Defendants Yahoo!’s and Rand McNally’s infringement, contributory infringement, and/or induced infringement to three times the amount found or assessed by the Court because of the willful and deliberate nature of the infringement, in accordance with 35 U.S.C. § 284;
- E.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- F.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant’s patent infringement complained of herein;
- G.** Traffic be granted its reasonable attorneys’ fees;
- H.** Costs be awarded to Traffic; and,
- I.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: August 18, 2009

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